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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 DAVID O'SHELL, ) Civil No.08cv436-J(NLS)  
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12 ) Petitioner, )  
13 ) v. ) **ORDER GRANTING APPLICATION**  
14 ) **FOR ENLARGEMENT OF TIME TO**  
15 ) **FILE RESPONSE TO PETITION**  
16 ) [Doc. No. 6]  
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16 Before the Court is Respondent's request for a thirty day enlargement of time in which to file a  
17 responsive pleading to Petitioner's First Amended Petition for Writ of Habeas Corpus [Doc. No. 4]. By  
18 this Court's scheduling order filed April 28, 2008 [Doc. No. 5], Respondent is required to file a Motion  
19 to Dismiss the petition no later than June 12, 2008, or an Answer to the petition no later than June 27,  
20 2008. In support of the extension request, counsel for Respondent has submitted a declaration stating  
21 that he did not receive his assignment to this matter until June 2, 2008, and therefore needs additional  
22 time to familiarize himself with the record of the case. Counsel also cites his workload and the press of  
23 business. The Court notes that this is counsel's first request for an extension. Thus, the Court finds  
24 good cause to extend the briefing schedule. However, this will be the only extension granted based  
25 upon counsel's workload, and any further extension requests will have to be accompanied by a  
26 supporting declaration from counsel's supervisor.

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1 Accordingly, good cause appearing, **IT IS HEREBY ORDERED** that Respondent's  
2 Application [Doc. No. 6] is **GRANTED**. Briefing in the case shall proceed as follows:

- 3 1. Respondent shall file and serve a Motion to Dismiss the Petition no later than  
4 July 12, 2008. If Respondent so files, Petitioner's Opposition shall be due no later than  
5 August 11, 2008.
- 6 2. Respondent shall file and serve an Answer to the Petition no later than July 27, 2008. If  
7 Respondent so files, Petitioner may file a Traverse to matters raised in the answer no later  
8 than August 27, 2008. No traverse shall exceed ten (10) pages in length absent advance  
9 leave of Court for good cause shown.

10 All other terms and conditions of the Court's prior scheduling order shall remain in full force and  
11 effect.

12 **IT IS SO ORDERED.**

13 DATED: June 13, 2008

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15 Hon. Nita L. Stormes  
16 U.S. Magistrate Judge  
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